



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 30 2001

OFFICE OF
CIVIL RIGHTS

CERTIFIED MAIL # Z 480 246 193
RETURN RECEIPT REQUESTED

In Reply Refer to:
EPA File No: 14R-00-R2

Mr. Jerome Balter
Public Interest Law Center of Philadelphia
125 South Ninth Street, Suite 700
Philadelphia, PA 19107

Re: REJECTION OF ADMINISTRATIVE COMPLAINT

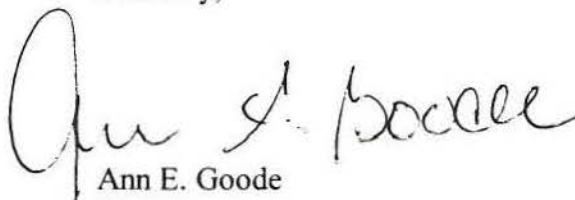
Dear Mr. Balter:

By letter dated October 4, 2000, you filed a complaint on behalf of the South Camden Citizens in Action alleging violations of Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. § 2000d *et seq.*, by the New Jersey Department of Environmental Protection (NJDEP). It has come to our attention that the complainants have raised the same issues in litigation in the U.S. District Court for the District of New Jersey.

Standard administrative practice is not to process administrative complaints that are in active litigation. A court decision in the lawsuit may be dispositive as to the administrative complaint. Since South Camden Citizens in Action has elected to pursue a remedy through the filing of a Title VI lawsuit, the Office of Civil Rights (OCR) will not accept your administrative complaint for investigation at this time. This complaint may be re-filed within a reasonable time period, generally no more than 60 calendar days after the conclusion of the current litigation. However, OCR may choose not to proceed with a complaint investigation if the allegations in this complaint were actually litigated and substantively decided by a Federal court.

If you have any questions, please contact Ms. Yasmin Yorker of my staff by telephone at (202) 564-7272, by e-mail at yorker.yasmin@epa.gov, or by mail to the U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,


Ann E. Goode
Director

cc: Rafael DeLeon, Associate General Counsel
Civil Rights Law Office
Office of General Counsel (2399A)

Sylvia Lowrance, Acting Assistant Administrator
Office of Enforcement and Compliance Assurance (2201A)

Barry E. Hill, Director
Office of Environmental Justice (2201A)
Office of Enforcement and Compliance Assurance

Marsha L. Minter, Special Assistant
Office of the Administrator (1103A)

Wil Wilson, Title VI Contact
Office of Air and Radiation (6103A)

William J. Muszynski
Acting Regional Administrator
U.S. EPA - Region II

Melva Hayden, Title VI Coordinator
Office of Regional Counsel
U.S. EPA - Region II